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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, *et al.*

Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT, *et al.*,

Defendants.

Case No. 3:25-cv-1780-WHA

**DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
AGENCY DECLARATIONS AND
DOCUMENTS PURSUANT TO
PARAGRAPH 8 OF THE COURT'S
ORDER ON CROSS-MOTIONS FOR
SUMMARY JUDGMENT**

The Hon. William H. Alsup

Pursuant to Civil Local Rule 7-11, 79-5(c), and Paragraph 8 of this Court's Order on the Parties' Cross Motions for Summary Judgment, *see* Order on Cross Mots. for Summ. J. at 38, ¶ 8, ECF No. 261 ("September 12 Order"), Defendants move to file under seal declarations by the Chief Human Capital Officer of the following defendant agencies—the Departments of

1 Agriculture; Commerce; Defense; Education; Energy; Homeland Security; the Interior, Labor;
2 Transportation; and Veterans Affairs, as well as the Environmental Protection Agency; General
3 Services Administration; National Science Foundation; and Social Security Administration—
4 stating that they terminated a number of probationary employees who received termination
5 notices based on the U.S. Office of Personnel Management’s January and February 2025
6 guidance and template notice after the agency carried out an individualized evaluation of that
7 employee’s performance. Attached to each declaration is documentation underpinning those
8 terminations. *See id.* Defendants seek to seal these declarations and documentation because they
9 contain the personal identifying information (“PII”) of former employees, the documents are not
10 submitted in support of any argument for relief on the merits, and because the former employees
11 are not parties to this litigation. Defendants and Plaintiffs also submit that this information
12 should remain under seal.

13 This Court should find that the “good cause” standard for sealing this information applies
14 because the information Defendants seek to seal is not being submitted in support of any
15 argument for relief on the merits, but rather to comply with Paragraph 8 of the Court’s
16 September 12 Order. *See Ctr. for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1097 (9th
17 Cir. 2016) (internal citations omitted). Even under the more stringent “compelling reasons”
18 standard for sealing some information, courts in this District routinely order the sealing of third-
19 party PII. *See, e.g., Opperman v. Path, Inc.*, No. 13-cv-453, 2017 WL 1036652, at *4 (N.D. Cal.
20 Mar. 17, 2017) (exhibit containing “the names, email addresses, and phone numbers of non-
21 part[ies]” provided “compelling reasons to seal [it] in its entirety”).

22 In this case, there is both good cause and a compelling reason to protect federal employee
23 PII from public disclosure here. First, absent an applicable exemption, the Privacy Act protects
24 such information from disclosure. *See* 5 U.S.C. § 522a(b). Second, the former employees
25 identified in the declaration are not parties to this litigation and they have their own privacy
26 interests; therefore, there is no need for public disclosure of his or her identity or PII at this point
27 in the proceedings. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1137 (9th Cir.
28 2003) (recognizing the need to “protect third-party privacy interests” in “personnel records”). If

1 sealing were denied, the name and PII of a third-party employee will be exposed to public
2 attention in this high-profile litigation.

3 **CONCLUSION**

4 Defendants respectfully request this Court grant this Motion and file the attached
5 declarations and documentation under seal.

6 Dated: November 21, 2025

Respectfully submitted,

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